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REMARKS

Reconsideration and allowance are requested. Claims 1 - 27 are pending and no claims are amended.

Rejection of Claims 1 - 27 Under Section 103

The Examiner rejected claims 1 - 27 under Section 103(a) as being unpatentable in view of the combination of U.S. Patent No. 6,236,395 to Sezan et al. ("Sezan et al.") and U.S. Patent No. 6,307,550 to Chen et al. ("Chen et al."). Applicant respectfully traverses this rejection and submits that there is no motivation or suggestion to combine these references. Furthermore, even if combined, these references fail to teach each limitation of the claims.

To establish a *prima facie* case of obviousness, the Examiner must meet three criteria. First, there must be some motivation or suggestion, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to combine the references. Second, there must be a reasonable expectation of success, and finally, the prior art references must teach or suggest all the claim limitations. The Examiner bears the initial burden of providing some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP 2142.

Sezan et al. teaches an audiovisual information management system that provides for a description scheme for an audio and/or video program. The purpose of

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the description scheme is to enable multimedia information browsing, filtering,

searching, archiving and personalization. See Col. 1, lines 7 - 11. One of the

challenges identified by Sezan et al. in column 1 is that there may be multiple devices

(TV, VCR, radio, etc.) that a user may need to interact with to record and manage

multimedia programs. This can be confusing because each device will operate

differently. They invented a system that simplifies the programming of multiple

audio and visual devices with the particular viewing preferences of an individual. The

following section of Sezan et al. starting at column 10, line 38 explains the overall

concept well:

> The average consumer has an ever increasing number of multimedia devices,
> such as a home audio system, a car stereo, several home television sets, web
> browsers, etc. The user currently has to customize each of the devices for
> optimal viewing and/or listening preferences. By storing the user preferences
> on a removable storage device, such as a smart card, the user may insert the
> card including the user preferences into such media devices for automatic
> customization. This results in the desired programs being automatically
> recorded on the VCR, and setting of the radio stations for the car stereo and
> home audio system. In this manner the user only has to specify his preferences
> at most once, on a single device and subsequently, the descriptors are
> automatically uploaded into devices by the removable storage device. The user
> description scheme may also be loaded into other devices using a wired or
> wireless network connection, e.g. that of a home network. Alternatively, the
> system can store the user history and create entries in the user description
> scheme based on the's audio and video viewing habits. In this manner, the user
> would never need to program the viewing information to obtain desired
> information. In a sense, the user descriptor scheme enables modeling of the
> user by providing a central storage for the user's listening, viewing, browsing
> preferences, and user's behavior. This enables devices to be quickly
> personalized, and enables other components, such as intelligent agents, to
> communicate on the basis of a standardized description format, and to make
> smart inferences regarding the user's preferences.

The issue discussed below is whether this focus and the teachings of Sezan et

al. would make it obvious to combine it with Chen et al. Chen et al. teach a system of

extracting photographic images from a video sequence. They introduce their

invention as addressing the problem of people needing to have both a high quality

video camera and a still camera if they desire to have both a video of an event and a

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still picture of the event. Their invention addresses this problem by taking the video

information, doing a frame-by-frame analysis and where the background motion is

less than an identified threshold, the video frames are combined to generate a

photograph. See col. 1, lines 13 - 37.

With regard to the rejection of claim 1, the Examiner concedes that Sezan et

al. fail to disclose input from a subscriber. However, the Examiner asserts that Chen

et al. teach multimedia input from a "subscriber" and asserts that it would be obvious

to modify Sezan et al. with the teachings of Chen et al. to provide multimedia input

from a subscriber to an output device to thereby improve efficiency in multimedia

data generating.

Applicant submits that there is no suggestion to incorporate Chen et al.'s

teachings into Sezan et al. and that the Examiner's assertion that it would "improve

efficiency" to utilize Chen et al.'s teachings is unfounded. Sezan et al.'s teachings

enable a user to provide user preferences to whatever audio or video device such that

programs are automatically recorded or stations are set, etc. Chen et al. take a user

video, such as home movie stored on a DVD, and enables the user to insert the DVD

into a device and generate a still picture using frames from the video. The only result

of the Examiner's analysis regarding the benefits of blending these references is that a

user who created a home video on a DVD may be able to insert that DVD (or VHS

tape or other video source) into a playback device and view the DVD according to the

automatic user preferences. In this regard, the home DVD would be treated by Sezan

et al. as any other DVD movie or other multi-media source. This feature of enabling a

user to input a home-video does not provide any suggestion or motivation to combine

Sezan et al. with Chen et al. One reason for this is that the preferences primarly

identified by Sezan et al. relate to scheduling and setting stations for pre-scheduled

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programs and not for DVDs that are simply inserted into a DVD player for immediate viewing. As seen below, there are other problems with any motivation to combine these references.

First, in their basic focus, these two references teach in different directions and provide mutually exclusive inventions. Chen et al. focus on generating a still image from a multi-media source. The identified source is typically a home movie shot by the owner of a video camera or some other video recording device. In contrast to this focus on still photography, Sezan et al. focus on enabling a user to create user preferences for managing multiple audio/video or multimedia devices that receive various prerecorded or live programs from such sources as broadcast networks, cable networks and radio stations. Would one of skill in the art find motivation in being able to generate still photographs from subscriber multimedia content? For commercial and legal reasons, the answer is no. Chen et al. likely focus on user-created video because there are immediate copyright and perhaps other legal problems with taking programs such as movies presented on cable television and being able to generate high quality photographs from such copyrighted multimedia sources.

This problem is a primary reason why one of skill in the art would recognize the lack of motivation to combine the teachings of these references. The fact that Chen et al. avoids the suggestion or teaching of drawing upon broadcast or copyrighted multimedia sources certainly leads away from any suggestion to apply their invention to that kind of audio/video data. Furthermore, the focus of Sezan et al. on managing multi multimedia devices and managing how programmed and scheduled audio and/or video programs by using user and system preferences certainly differs from Chen et al.'s focus on still photography. The technical areas of

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these two references are mutually exclusive and no person of skill in the art is likely to be motivated to combine the teaching of these references.

Furthermore, event if combined, Applicant submits that Sezan et al. fail to teach each limitation asserted by the Examiner. For example, the Examiner asserts that Sezan et al. teach that the step of claim 1 of deriving virtual camera scripts and coding hints from the image data equates to the program description scheme of Sezan et al. in col. 4, line 40 - col. 5, line 35 and col. 12, lines 28 - 47. However, Applicant submits that the Sezan et al. program description scheme fails to correlate to this limitation. There is nothing in the description scheme that relates to deriving camera scripts and coding hints from image data. The description scheme of Sezan et al. includes two sets of information; (1) program view and (2) program profiles. The program views are logical structures of the frames of the video and how they may be viewed for browsing. These program views include segment definitions, highlight definitions and so forth for viewing the programs. Program profiles define characteristics of the content of the program such as actors, starts, director, release date, etc. There is no suggestion that the two sets of information are "derived" from the image data as is required by claim 1. Furthermore, there is no suggestion that the two sets of information in the description scheme relate to "coding hints" or "virtual camera scripts" as is recited in claim 1. Therefore, because Sezan et al. fail to teach this limitation, Applicant submits that claim 1 is patentable.

Accordingly, for the reasons set forth above, Applicant submits that claim 1 is patentable over the cited prior art and in condition for allowance.

Claims 2 - 27 depend from claim 1 and recite further limitations therefrom. Accordingly, Applicant submits that these claims are patentable as well inasmuch as there is no motivation to combine Chen et al. with Sezan et al.

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